

SENATE BILL NO. 358

INTRODUCED BY KEENAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW IMPLEMENTATION OF LONG-TERM CARE PARTNERSHIPS BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES AS ALLOWED BY FEDERAL LAW OR WAIVER; AMENDING SECTION 53-6-803, MCA; AND REPEALING SECTION 8, CHAPTER 195, LAWS OF 1997."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-6-803, MCA, is amended to read:

"53-6-803. ~~(Effective six months after occurrence of contingency)~~ Long-term care insurance partnerships authorized. (1) The commissioner and the department may in their discretion ~~create~~ establish long-term care insurance partnerships ~~if federal law permits those partnerships. If created, the partnerships must be consistent with the requirements as provided for in federal law UNDER 42 U.S.C. 1396P or if allowed by a waiver of federal law under section 1915 1115 of Title XIX XI of the Social Security Act, 42 U.S.C. 1396, et seq. 1396n 1315.~~

(2) The ~~commissioner and the~~ department may in ~~their~~ its discretion collaborate with private insurers to ~~create~~ implement long-term care insurance partnerships that will allow individuals who have resources in excess of the resource limit for receipt of medical assistance under the Montana medicaid program to receive medical assistance benefits if those individuals are eligible for or require the level of care provided by a long-term care facility and meet the other program requirements ~~to qualify for those benefits in accordance with federal law or an approved waiver in order to facilitate the enrollment of persons into long-term care insurance plans.~~

(3) Under partnerships created pursuant to this section, individuals may qualify for special treatment of their resources if they purchase a long-term care insurance policy or certificate certified by the commissioner and the department as provided in 53-6-804 prior to becoming eligible for medical assistance benefits. The department may modify eligibility and other medicaid requirements by administrative rule as provided in 53-6-805 and as allowed by state and federal law to encourage individuals to maintain long-term care insurance.

(4) The long-term care insurance partnerships may in the department's discretion be based on a

1 dollar-for-dollar model or any other model that is cost-neutral."

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3 NEW SECTION. **Section 2. Repealer.** Section 8, Chapter 195, Laws of 1997, is repealed.

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